

THE MCHATTIE LAW FIRM, LLC
Christopher J. McHattie, Esq.
(Bar No. 035251987)
550 West Main Street
Boonton, New Jersey 07005
Telephone: 973-402-5505
Facsimile: 973-400-4110
Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

ATLANTIC HEALTH SYSTEM, INC.,
PRACTICE ASSOCIATES MEDICAL
GROUP, P.A., d/b/a ATLANTIC MEDICAL
GROUP and AMG,

Plaintiffs

v.

ALLIANCE HEALTH SYSTEMS, LLC.;
AMG ORTHOPEDICS D/B/A ALL BE
HEALTHY LLC; NICHOLAS BUFANO;
JOHN DOES 1-10 (name being fictitious for
individuals whose identities are currently
unknown); and ABC ENTITIES 1-10 (names
being fictitious for corporate or other legal
entities whose identities currently remain
unknown),

Defendants.

Civil Action No. Not yet assigned

**CERTIFICATION OF
MICHAEL V. GATTONI**

I, Michael V. Gattoni, being duly sworn, upon his oath according to law, depose and say:

1. I am an attorney at The McHattie Law Firm, counsel for Atlantic Health System, Inc. and Practice Associates Medical Group, P.A., d/b/a Atlantic Medical Group and AMG (collectively "Plaintiffs").

2. A true and correct copy of the Cease-and-Desist letter that was sent to Defendants, Alliance Health Systems, LLC., AMG Orthopedics D/B/A All Be Healthy LLC and Nicholas Bufano (collectively "Defendants") is attached hereto as Exhibit "A."

3. On September 8, 2022, I participated in a call with counsel for Defendants, at which time Defendants' counsel acknowledged receipt of our Cease-and-Desist letter, we again requested that Defendants' cease use of Plaintiffs' marks and were informed that Defendants would not cease and desist from using same.

I hereby declare under penalty of perjury that the foregoing statements are true and correct pursuant to 28 U.S.C. § 1746.



Michael V. Gattoni

EXHIBIT A



THE MCHATTIE LAW FIRM, LLC
550 WEST MAIN STREET
BOONTON, NEW JERSEY 07005
(v) 973.402.5505
(f) 973.400.4110

CHRISTOPHER J. MCHATTIE, ESQ.
cmchattie@mchattielaw.com

With Attorneys Admitted to Practice in New Jersey, New York, Florida, California & USPTO

September 9, 2022

VIA e and CERTIFIED MAIL, R.R.R.

Martha M. Rumore, Pharm.D., Esq.
Frier Levitt
101 Greenwich Street, Suite 1203
New York, New York 10006

Re: ATLANTIC HEALTH SYSTEM®, AHS and AMG Word Marks

Dear Ms. Rumore:

Thanks for taking our call yesterday, Thursday, September 8th, 2022.

Pursuant to our conversation, we're writing to confirm that your clients, Alliance Health System and Nicholas Bufano¹, have refused to cease and desist from using "AMG" in connection with it provision of medical and health care related services. If we are mistaken, please advise.

Again, please be advised that your intent to continue to use the "A[] HEALTH SYSTEM," "AHS" and "AMG" marks, *or colorable imitations thereof in connection with services which are likely to cause confusion with AHS' services* is a willful infringement of our client's, Atlantic Health System, Inc ("AHS") rights.

As we communicated, we had hoped that this matter could be resolved expeditiously and amicably given the long standing use and fame of the AMG trademark.

Please be guided accordingly.

Very truly yours,

Christopher J. McHattie/S/
CHRISTOPHER J. MCHATTIE, ESQ.

¹ *Donsco, Inc. v. Casper Corp.*, 587 F.2d 602, 606 (3d Cir. 1978) (corporate president who authorized and approved corporation's act of unfair competition liable under § 43(a); a corporate officer who knowingly and substantially participates in corporation's act of infringement is personally liable); *Electronic Laboratory Supply Co. v. Cullen*, 977 F.2d 798, 807-808 (3d Cir. 1992).